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Subject: Solid Waste & Emergency Response Law News for April 14, 2017



Solid Waste & Emergency Response Law News for April 14, 2017

Bloomberg BNA Daily Environment Report™

NEWS

Hazardous Waste

Pennsylvania Files Criminal Charges in Cleaning Company Hazardous Waste Fire

Criminal charges claiming improper storage and disposal of hazardous waste were filed by the Pennsylvania attorney general April 13 against the former owner of an industrial drum cleaning company where a major fire occurred in 2014.

Hydraulic Fracturing

Fracking Chemical Disclosure Requirement Approved in Montana

Drillers would be required to disclose the chemicals they use in hydraulic fracturing under a bill approved by the Montana Legislature.

Insurance

Connect the Dots: Bad Weather, Hazardous Materials Releases

Environmental insurers are connecting the dots between hazardous material releases and severe weather events in the hopes of improving their risk calculations.

Oil & Gas

NuStar Falls After Making \$1.5 Billion Bet on Permian Pipes

NuStar Energy LP shares slumped after its acquisition of Permian oil pipeline operator Navigator Energy Services LLC for about \$1.5 billion, joining a parade of companies flocking to the fertile shale basin.

Oil & Gas

Worried Oil Refiners Await Details of Proposed Import Tax

U.S. oil refiners have been talking to the House Ways and Means Committee as they worry about the possibility of a "border adjustment tax" on imports.

Regulatory Policy

CRA Resolutions Are Small Part of Trump Regulatory Policy

President Donald Trump signed two more resolutions, for a total of 13 resolutions, to overturn rules issued in the last half of 2016 using the Congressional Review Act, a historic first for any president but affecting only a tiny fraction of the regulatory burden.

Water Pollution

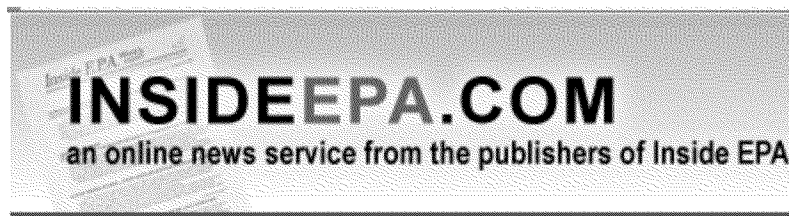
EPA to Delay Compliance Deadlines for Power Plant Effluent Limits

Power plants may be able to hold off on putting in controls to meet revised discharge limits for toxic pollutants if the EPA decides to remand part of the new requirements.

Water Pollution

Shanghai Water Quality Singled Out as China Pressures Polluters

Environmental authorities in China say the major business hub of Shanghai "relaxed" how it dealt with wastewater treatment violations in recent years, despite the country's push to decrease pollution.



•■■■■■■■ **EPA, Industry, Environmentalists Back Industry Standing In Waste Rule Case**

EPA, industry petitioners and environmental intervenors are all backing industry's legal standing to challenge the tightened recycler exclusion in the Obama EPA's definition of solid waste (DSW) rule, responding to a federal appeals court order questioning industry's standing.

•■■■■■■■ **EPA Could Face Lawsuits To Force 'Jobs' Reviews Of Water, Waste**

Rules

A group opposed to "government overreach" is urging the U.S. Court of Appeals for the 4th Circuit to uphold a district court's order for EPA to quickly assess the employment impacts of Obama-era air rules, signaling that the agency could soon face lawsuits to compel similar jobs reviews of rules issued under federal water and waste laws.

EPA Memo Details Waste Program Cuts, Eyes 'Special Account' Offsets

EPA is proposing to eliminate funding for its waste minimization and recycling program as well as grants to states for underground storage tank (UST) cleanups and inspections, and is proposing to significantly cut back a number of other waste programs in fiscal year 2018, according to an EPA memo detailing how the agency plans to implement the Trump administration's budget request.

Wastewater Groups Seek Rehearing Of Case Testing CWA 'Blending' Limits

Municipal wastewater authorities are asking the U.S. Court of Appeals for the District of Columbia Circuit to rehear a case where a three-judge panel refused to enforce a separate ruling on Clean Water Act (CWA) permits for wastewater "blending" nationwide, saying the decision could allow EPA to dodge court review of many unlawful actions.

ACC's Beck, Vocal IRIS Critic, Poised To Join EPA As Deputy Toxics Chief

Nancy Beck, a top chemical industry representative and long-time critic of EPA risk assessments, is expected to join EPA next week as the new principal deputy assistant administrator in the Office of Chemical Safety and Pollution Prevention (OCSPP) where she will play a key role implementing the revised toxics law.



DRINKING WATER

Chemical spill near Lake Michigan sparks concern

Published: Thursday, April 13, 2017

A spill of hexavalent chromium, a cancer-causing metal, into a northwest Indiana tributary of Lake Michigan has prompted nearby areas to shut off their drinking water intake and close beaches.

U.S. EPA has reported there is no immediate threat to Lake Michigan, but the spill comes as the Trump administration's proposed budget suggests cutting efforts to crack down on the pollutant.

The spill was reported Tuesday by the U.S. Steel Midwest Plant in Portage, Ind. U.S. Steel said a broken pipe joint likely allowed an undetermined amount of wastewater to spill into a nearby ditch.

The toxic metal that spilled was made infamous by the movie "Erin Brockovich."

Hexavalent chromium was linked to stomach cancer nearly a decade ago, but plans to implement federal standards have been repeatedly delayed by objections from the chemical industry.

"This situation is exactly what the EPA was created to do: respond to environmental emergencies, regulate polluters to make them follow the law and protect us from nasty things that endanger public health," said Molly Flanagan, vice president for policy at Alliance for the Great Lakes.

President Trump's proposed budget would get rid of the Integrated Risk Information System, which is the office that works on hexavalent chromium standards in drinking water (Michael Hawthorne, *Chicago Tribune*, April 12). — CS

OIL AND GAS

Court won't rehear coastal damage case

Amanda Reilly, E&E News reporter

Published: Thursday, April 13, 2017

A federal court won't rehear a Louisiana levee board's lawsuit against dozens of oil and gas companies over alleged flood risks to the U.S. southern coast.



Over the past century, oil and gas companies have drilled 10,000 miles of canals through Louisiana's coastal marshes. Photo by Annie Snider.

The 5th U.S. Circuit Court of Appeals yesterday denied the Southeast Louisiana Flood Protection Authority-East's request for a full court rehearing.

The authority, one of two regional New Orleans levee boards, alleged in its suit that oil companies' exploration activities off the coast had threatened the existing levee system, imperiled coastal communities and led to an increased storm surge risk.

The suit named several major corporations, including BP PLC, Chevron USA Inc., Exxon Mobil Corp., Koch Industries Inc. and Marathon Oil Corp., as plaintiffs.

In March, a three-judge panel of the 5th Circuit threw out the lawsuit, finding that neither federal nor state law created a duty for the companies to protect the board from increased flood protection costs (*E&E News PM*, March 3).

No member of the appeals court voted for a rehearing in the case.

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